

SCITUATE PLANNING BOARD MINUTES October 28, 2021

Members Present: Ann Burbine, Chair; Patricia Lambert, Vice Chair; Rebecca Lewis, Clerk; Stephen Pritchard, Benjamin Bornstein and Bob MacLean, Alternate.

Others Present: Karen Joseph, Town Planner; Shari Young, Planning Administrative Assistant.

Members absent:

See Sign-in List for names of others present at this meeting.

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Burbine called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streamed live on Facebook.

Documents

- 10/28/21 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Burbine indicated there was a posted agenda. Ms. Lambert seconded the motion for the posted agenda and the vote was unanimously in favor.

Continued - Public Hearing - Stormwater & Site Plan Review Common Driveway – 533 Country Way

Assessor's Map/Block/Lot 26-2-5

Applicant/Owner: Marvell Homes, LLC

Documents

- Doc DRAFT Motion Continuance
- Email dated 10.25.21 from Paul Sheerin

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for the Stormwater Permit and the public meeting for the Site Plan Administrative Review for a Common Driveway at 533 Country Way until December 9, 2021 at 6:30 pm and to continue the time for action for filing with the Town Clerk until February 25, 2022.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

Public Hearing - Scenic Road – 293 First Parish Road

Assessor's Map/Block/Lot Portion of 38-12-4A

Applicant/Owner: Ryan and Audrey Cray

Documents

- PDF First Parish Road - May 2021 Application Scenic Road _27 Sep2021
- PDF 3140 Cray Residence_Trees & Stone Removal Plan _ Sep28201
- PDF Assesor's Card
- PDF Authorization letter and deed

- PDF GIS
- PDF LE3140-KJospeh_Approval for Scenic Road Work_28Sep21
- PDF TC filed posting 293 First Parish Road
- DOC FPR Sc RD Motion

Ms. Burbine read the posted legal ad into the record.

Ms. Joseph indicated that the applicant could not make the meeting this evening due to the storm on October 26, 2021.

She indicated the plan is to remove a small 14' section of the stonewall to create a circular driveway so the applicant does not need to back up onto busy First Parish Road. They will be removing some trees, but the trees are not in the public right of way. She indicated DPW provided comments and they have no issue with the proposal and agreed there are some branches that should be removed to improve sight lines. The applicant will be moving a sign further down the road which DPW also approved.

Ms. Burbine asked what will happen with the stones that are being removed from the wall. Ms. Joseph indicated the applicant will use them to repair some of the remaining stone wall.

Ms. Joseph indicated that applicant has just finished renovating the house with an addition on top of the garage and a Section 6 Finding was granted from the ZBA; the new proposed driveway will be seashells and they are under the threshold for impervious surface so a stormwater permit is not required.

No public comment

Motion:

Ms. Burbine moved to close the Scenic Road Act public hearing and approve the removal of 14 linear feet of stonewall to provide for a circular driveway at the 293 First Parish Road address. Existing stones removed will be used to restore and repair the existing stone wall. The applicant will notify the Town Planner 48 hours before stone removal and provide pictures of the existing stone wall. This approval is contingent upon a curb cut permit being issued by DPW and is only for the stone wall removal as no trees in the right of way of First Parish Road are planned to be removed.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

Discussion/Vote – Lot Release Lot #4 - #42 Holly Crest Road

Documents

- PDF Water Ext. & Emer.Turnaround Plan
- Email from Fire Department dated 10.21.21
- Doc Pierce Town Scituate Planning Board Releases Lot 4(3)
- Doc Decision Lot Release Lot 4 HC Rd
- Doc DRAFT Motion Lot Release, Lot #4 Holly Crest Road

Attendees: Jeff De Lisi, Attorney

Mr. De Lisi indicated the information requested at the last meeting has been provided; a plan with the extension of the water line, water line no less than 6" in width with no reducers.

Ms. Joseph indicated the Fire Department is satisfied with the driveway as it has radii so a fire truck can turn around, DPW is happy with the water line, disturbance is less than 15,000 sq. ft. so a stormwater permit is not required. She opined it is acceptable to go ahead and release the lot.

Mr. Bornstein said it seems reasonable and the applicant did what was asked.

Motion:

Ms. Burbine moved to release Lot 4 #42 Hollycrest Road from the restriction of development contained in the Affidavit dated May 23, 1969 filed with the Plymouth County Registry of Deeds District of the Land Court as Document 125919. The applicant will extend the 6" CLDI water pipe to connect the existing water pipe per DPW standards with no reducers between the connection point and the proposed hydrant. This will provide domestic water and fire protection services to the proposed dwelling. An emergency vehicle turning area of 20' x 40' with 20' radii on each side of the turning area/driveway will be provided. The present road is extended past the lot with a gravel road approximately 12' wide with gravel and woodchip shoulders on each side allowing for passage of vehicles to the lot. At this time, clearing is proposed at 14,500 sq. ft. as shown on a plan entitled Hollycrest Road – Water Extension & Emergency Vehicle Turnaround Plan by Morse Engineering Co., Inc. dated 10/21/21. If there is an increase in disturbance of land over 15,000 sq. ft, if more than 25% of the undeveloped lot is rendered impervious then a Stormwater Permit will be needed.

Ms. Lambert seconded the motion; the vote was unanimously in favor.

Minutes
Documents

- Meeting minutes 10.14.21

Ms. Lewis moved to approve the meeting minutes for October 14, 2021.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

Accounting
Documents

PO #2203756 (\$23.24), PO #2203745 (\$900.00), PO #2203730 (\$25.36)

Ms. Lewis moved to approve the requisition of \$23.24 to WB Mason for office supplies, for \$900.00 to Merrill Corporation for peer review 16 Mann Hill Road, for \$25.36 to Deer Common II, LLC for return of unexpended Peer Review funds.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

Public Hearing – Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District - Greenbush Gateway District – Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) and Stormwater Permit – 7 New Driftway

Assessor's Map/Block/Lot 53-05-37F

Owner: Joan Auciello, Tr of Shepard Way Realty Trust

Applicant: Drift-way LLC

Documents

- PDF 218-153 Drainage Complied
- PDF 218-153 Site Plan Stamped
- PDF Application for Special Permit VCN
- PDF Application Major Site Plan Review
- PDF Architectural Plans
- PDF Attachment A – Design Review
- PDF Attachment B – Low Impact Standards
- PDF Attachment C – Open Space
- PDF Attachment D – Public Realm Standards
- PDF Attachment F – Parking Standards
- PDF Attachment E – s754 Affordable Housing Form (1)
- PDF Deed 7 New Driftway
- PDF Municipal Lien Certificate
- PDF Owner's Authorization
- PDF Stormwater Permit Application
- Email from Becky Malamut with Water Resource Committee Comments
- Doc Memorandum – Scituate – 7 New Driftway
- Doc DRAFT Motion Form for 1st Continuance
- Doc REV 1
- PDF Scituate 7 New Driftway EcoTec Review Memo 10.5.21
- PDF Scituate New Driftway A
- PDF Scituate New Driftway B
- Email dated 9.3.21 comments from Sewer Department
- PDF AHT Comments
- PDF Traffic Scituate
- PDF Map of AHT land Stockbridge Rd

Attendees: Frank Polak, Developer; John Chessia, Town Consulting Engineer

Ms. Burbine read the posted legal ad into the record.

Mr. Polak said that his team was unable to attend tonight's meeting due to the storm, but that he would value any input from the Board at this time.

Mr. Polak indicated there have been a few site changes based on comments from a previous informal meeting; a recreation area has been added on site, they have engaged Weston & Sampson to conduct a sewer study, hired Jack Gilliam for traffic and McKenzie Engineering has done all the civil engineering.

Mr. Polak gave a brief summary of the project.

- Site is the old medical building
- Intent is to tear down and replace with new 21-unit building
- 19 units with 2 penthouse units
- Proposed as Condominium units
- Underground parking for the units and surface over flow and visitor parking
- Intend to remove all existing pavement and provide a drainage system to protect the brook - currently there is no drainage system on the site.

Ms. Joseph indicated there are a number of issues the Board should opine on tonight; this is in the VCN (Village Center and Neighbor District) and a special permit for the use of a multi-family building is requested; the building type is allowed. The first question is the Affordable Housing Units, currently they are proposed as off-site units, 5 affordable units are needed because a density bonus is required with the number of units being proposed. By right 12 units/acre are allowed and 24 units/acre by special permit; that allows for 14.98 by right units and 29.96 units by special permit, 21 units are requested on site so a density bonus is required. At this time, it is not known what density bonus is being offered. She further explained that based on the density bonus it is required that 20% of the units be affordable units which equates to 5 units. She said it is the discretion of the Board to determine if off-site units are acceptable; direction should be given to the applicant as they are proposing to do 4 off-site affordable units.

Mr. Polak indicated they have met with the Affordable Housing Trust (AHT) about two lots that are available and presented a proposal to them to build two duplex dwellings each consisting of two units, 960 sq. ft. per unit. He noted that there was a letter from the Trust.

Ms. Joseph said there is a letter from the AHT; her understanding is the proposed land is one lot zoned in the R2 zoning district which allows for one duplex unit. There is a significant amount of wetlands at the front of the property, she is not sure how access would occur.

Mr. Polak indicated that there is already driveway access to get to the lots.

Ms. Joseph said the information she has obtained from GIS shows a single lot, the lot next door was previously owned by the AHT and was developed with an affordable housing unit on it which is on the Scituate Subsidized Housing Inventory. Access may occur from there, but she is not sure how.

Mr. Pritchard opined affordable housing is important and if we can make it happen then ok, but what would be extremely important is knowing what is being promised can be delivered. He said it sounds like there are some discrepancies that need to be worked out, including the difference between 5 and 4 units. He said if the details are worked out then he would be okay with reviewing it.

Ms. Lewis said she agreed with Mr. Pritchard and knows that the AHT has the property and would like something built on it, but she does not know the number of units that can be built on it.

Mr. Polak said he is happy to provide the Board with the details of the site plan, drive access and any wetlands considerations on the site.

The location of the proposed affordable units is 165-167 Stockbridge Road. 163 Stockbridge is an affordable unit. There was discussion if there were other duplexes in the area; it is mostly a neighborhood of single-family homes, but is not clear for sure if there are other duplexes.

Mr. Bornstein opined he felt differently and that inclusionary zoning and affordable housing should take place on the site for which it is being required. He said he is not very favorable to off-site affordable housing and the Board has had issues before. He is not a fan of the plan.

Ms. Lambert agreed with Mr. Bornstein that affordable housing needs to be included in the building. She is in favor of affordable housing, but there are lots of nuances here; she would like to see a site plan for Stockbridge before reviewing this portion. She said she is not in favor of having affordable housing off-site.

Ms. Burbine agreed; Stockbridge may not be big enough to handle 4 units and a fifth maybe needed. The Board would need to make sure that everything coincided so the off-site units would be occupied at the same time as units of 7 New Driftway. She opined affordable units should part of the project at 7 New Driftway.

Mr. Polak asked the Board to allow them the opportunity to present the proposal for the off-site units; great detail was made to make the units look like single-family units. He said a comment from the AHT was that it provided family type living, separate driveways and yards that is not available in the type of living at 7 New Driftway. He said that he has no issue with a condition that the affordable units are done first should the Board approve the project.

The Board agreed to allow Mr. Polak the opportunity to present the off-site affordable units proposal.

Mr. Pritchard asked if Mr. Polak was prepared to accommodate the affordable units on the premises of 7 New Driftway instead of offsite. Mr. Polak said if need be, it is up to the Board.

Ms. Joseph indicated there needs to be 5 affordable units because fractions have to be rounded up, 20% of 20 is 4.2 and thus gets rounded up to 5 units.

There was discussion about the density bonus and what that would be. Mr. Polak indicated they are working on a financial commitment which has been done in the past, initially looking at a \$25,000 commitment. Ms. Joseph said that is rather low based on the number of units the applicant is seeking a density bonus on. Mr. Polak said they would revisit the numbers and come back with a proposal. Discussion continued on how many extra units there are; Ms. Joseph said technically if the affordable units are off-site they are part of the project so there are roughly 11 units.

Ms. Joseph provided a list of additional issues/concerns

- Site is in the Water Resource Protection District
 - Limits of the Zone A and Zone II have not been shown on the plan
 - There can be no more than 20% impervious surface with artificial recharge that won't degrade water quality
 - Site likely exceeds 20% coverage and there are no exceptions in the Zone A or Zone II.
 - The 1-year storm needs to be analyzed

- Expansion in the Zone A area - not sure new pervious pavement is allowed in Zone A.
- No stormwater BMPs are allowed in a Zone A according to DEP
 - Redevelopment/expansion of a previously developed site can happen as long as there is no net increase in impervious area
 - Stormwater must meet the maximum extent practical BMP standards and an alternatives analysis is required
- Special permit is needed for work in the Salt Marsh and Tideland District
 - Work is proposed in the area, not sure how ZBA will look upon it
- ZBA permit needed for work in the Flood Plain and Watershed Protection District
 - Permit can be obtained for substantial improvement of structures which existed prior to March 2, 1992, new structures likely do not qualify.
 - The existing medical building did exist in 1992
- Wetland Resource areas need to be confirmed by the Conservation Commission
- Sight lines for traffic should be shown on the landscape plan
- Landscape plan to be stamped by landscape architect or engineer
 - Board opined landscape architect
 - Full landscape plan with types and sizes of material required
 - Parking lot planting, screening and street trees shown to be shown on the plan per the bylaw
 - All trees to be retained shown on the plan
- Board to decide if parking will be allowed in the front build to zone
 - Parking can be allowed by special permit; applicant has requested
 - Handicapped parking is in the front of the building
- Connections need to be made between the building sidewalk, site walks and crosswalks and handicapped access is needed
- Bike detail required
- Detail needed on the connection from the parking garage to outside
- Trash removal to be addressed
- Loading/unloading to be addressed so not to cause any blockages
- Traffic study is currently being peer reviewed
- Weston & Sampson is working on sewer/water study
 - Mr. Polak indicated the study will look at sizing in the street for sewer and will look at capacity and testing, there will be flow test
- Ms. Joseph suggested the Board require section elevation to determine if the underground garage is visible and if the penthouse is visible from any sidewalk
- Is the outdoor amenity space acceptable?
 - 20% is required, 21.5% proposed with common yard and garden, information should be on the plan
- Lighting shown, but should be on a photogrammetric plan and light details
- Recommended the project should be referred the Design Review Committee
- Need explanation of how the average grade is calculated
- Survey should extend 100' from the locus of the site
- Truck turning movements should be provided
- Building is not in compliance with the front build to zone
- Planning Board will issue the Stormwater permit
- Planning Board contacts need to be listed in the drainage report

- Verification of disturbance is required
 - Need to determine if a NPDES permit is needed
- Parking 30 spaces are required 35 are provided
- Circulation in the parking lot is one way
 - 18' aisle - is 18' sufficient?
 - Spaces 9' x 18'

Ms. Joseph said Mr. Chessia will provide additional comments.

Mr. Polak said that the building is a non-conforming structure as it is now and this proposal makes it more conforming, they will be improving the impervious pavement existing condition on the site now and provide a drainage system to protect the brook which does not exist now. He said there are some trade-offs with what they are proposing.

Ms. Burbine indicate the building height is at 45.5' and the applicant is seeking a waiver for height; the bylaw allows for 40' and height is not something that can be waived. Mr. Polak said he believes the issue has been addressed by angling the building because there is a split zone between height allowance and the number of feet off the Driftway; his engineer will be able to explain.

Public Comments:

Ms. Sytske Humphrey resident at 8 Ladd's Way said it is a very pedestrian area and her concern is how pedestrian friendly are all these new buildings are going to be in terms of height, setbacks from the walking/biking path. It is also a very sensitive area with the Herring River and the fish ladder. She is concerned about the health of the river, with the recent drought conditions the herring have not been able to run; she hopes that will improve. She hopes that whatever the Planning Board decides it is going to be pedestrian friendly, a pleasing view and will be an asset to the town rather than a concern.

Ms. Mary Anne Palleiko resident at 60 New Driftway #20 said her concern is this is the entrance to Scituate and a building this size will be intrusive and she is also very concerned with the water. The traffic on the Driftway is unbearable at this point and this is going to add congestion to the area.

Mr. Russ Anderson representing the Jacob Hatch Condominium Association said it is the entrance to the town; what is there now is a vacant and deteriorating building and has been for a decade or so. They are hopeful the Town and the Applicant can work something out so it can be developed and upgraded.

Hanover Resident and Co-owner of Jacob Hatch Building said he hopes the Planning Board looks favorable on this project. He said traffic is a concern, but there will probably be less traffic with the access to 3A and 123 as opposed to a project that would be in the marina/downtown area.

Mr. Bill Dillon resident of Belmont and 7 New Driftway Building manager, opined the traffic count for a 21-unit residential unit is much lower than what was there before with doctors' offices. He said at peak there were probably 15-20 professionals in the building and the lower level was a Breast Cancer Center, in the course of a day there would likely more than 150 visits a day and the second level probably had 200-300 visits a day. He said nothing has been at the site for years; residential use will have a lot less traffic than a former commercial use; it is a blighted entrance to the town. He

said the building is functionally obsolescent there was damage from a storm and it was not economic to bring it back. It could not be made a medical building any longer because it was not ADA compliant and there was no way to make it complaint. He said they looked at many different use's restaurant, retail, etc. and this is the only thing that seems to come close. He said there are trade-offs; there won't be any water run-off as there is now. With regards to the affordable units, his experience is when there is a fraction if it is .5 it is typically rounded up and below it is rounded down; he questioned the Scituate Zoning that says any fraction gets rounded up. He said this is going to be an upper end project; he said the spirit of affordable housing is to create good housing units, not necessarily upper end units. He said the Board should talk to the AHT; he suggested the AHT thought the off-site units were better than a couple of apartment units.

Mr. Robert Hawk resident of 60 New Driftway said anything would be an improvement to the property in the area; something needs to be done. He applauded the Jacob Hatch people saying that building is appropriate and is a testament to the community. He said the building proposed looks like it should be in the Ink Block District in downtown Boston. His objection is to the design of the structure; he opined it does not add to the gateway to Greenbush area and they should try to soften the building and try to emulate what is at the Jacob Hatch Building.

Mr. George Humphrey resident at 8 Ladd's Way and Board member of the South River Watershed Association wanted to underscore the concern about the environmental issues with the Herring Brook running behind the property. A lot of money has been spent over the last 15-20 years in Greenbush to restore the marshes and flow of water; the town is working on acquiring state funds to rebuild the damn and make it more efficient and include a more efficient fish ladder. He said there is progress towards restoring some of the environmental issues and he sees this project as getting in the way of that. He asked the Board to have any extra set of eyes on anything that has to do with stormwater, water and sewer.

Mr. Shawn Harris resident at 26 Ridge Hill Road said he is a lifetime resident, his business is around the corner and he plowed the parking lot for a number of years. He opined in terms of impervious material it would take 2 hours to plow and anything would be better. He does not see how a project like this could hurt the brook; the town should have bought the house on the other side of the brook to really help the brook. He said maybe the project could be tweaked a bit; the Jacob Hatch is a nice-looking building. He opined this is not such a bad thing coming into Scituate, Greenbush is changing fast.

Ms. Joseph reiterated the traffic is being peer reviewed now; at the next meeting both traffic engineers will be present. She also discussed Section 754.01.b.3 of the bylaw and density bonuses; any fractional unit shall be deemed to constitute a whole unit.

Mr. MacLean asked the applicant to provide a rendering/elevation of a street view from the other side of the rotary seeing the proposed building, the Jacob Hatch Building and the rotary to give some sense of scale, etc. Mr. Polak agreed to provide that information.

The Board referred the project to the Design Review Committee.

Mr. Pritchard asked if the applicant has analyzed the building for noise. Mr. Polak indicated the building will be done with a foam insulation which is sound deadening; it will be very quiet.

Mr. Chessia provided additional comments from his review;

- Intention of the project to slightly reduce the impervious area
- Roofs drain to the brook, but does not show how
- Porous pavement patio, but need to show where the Zone A, Zone II limits are
 - Critical Areas for Water Resource Protection District
 - Zone A - cannot have any stormwater devices
 - Zone II - has limitations
 - First Herring Brook critical to a shellfish area
- Stormwater for the parking lot
 - Trench drain at the garage provides no treatment
 - Catch basins go into a proprietary treatment unit
 - Underground filtration system
 - Test pits done – Mr. Chessia’s opinion is the area was fill
 - Test pits indicated organics 5’-6’ or deeper, there would not be organics if there was not fill
 - Recommendation for more test pits and they be witnessed
 - System has some infiltration and goes to an outlet that flows into the brook
 - Likely they will be able to meet the rate because of removal of impervious surface
 - Point discharges will be different
 - Conflict with the drainage is the Water Resource Protection District (WRPD) has its own requirements from DEP. DEP views this as a redevelopment project, but WRPD does not.

Mr. Pritchard asked if the proposal corrects some of the drainage that is going to the brook now. Mr. Chessia explained yes, the site gets lifted up, there is a retaining wall along the side of the parking lot toward the brook, there is a retaining wall around the whole building and by doing so the pavement can be tipped up to drain the water away.

Mr. Chessia also discussed the issue with where the building is located on the site with regards to the River Front and Wetlands that will need to be addressed. He said there are some large existing trees that could be impacted and should be shown on the plan.

Motion:

Ms. Burbine moved to accept the applicants request to continue the public hearing for Site Plan Administrative Review and Special Permit for a Multi-family Building in the Village Center and Neighborhood District – Greenbush Gateway District -Greenbush Gateway Business Subdistrict (VCN-GDG-GWB) until January 13, 2022 at 6:30 pm and to continue the time for action for filing with the Town Clerk until April 1, 2022.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

**Continued Public Hearing – Stormwater Permit – 16 Mann Hill Road
Assessor’s Map/Block/Lot Portion of 27-7-9A
Applicant/Owner: Susan Stone**

Documents

- PDF 21-278 PB Review Report, 16 Mann Hill Road, 10-21-21
- PDF 4273 BOH SWP 10-8-21 SWP DETS
- PDF 4273 BOS SWP 10-8-21 SWP EROS DETS
- PDF 4273 BOH SWP 10-8-21 SWP EROS SITE
- PDF 4273 BOH SWP 10-8-21 SWP SITE
- PDF 4273 cvr ltr 10-13-21
- PDF STORMWATER PERMIT APPLICATION
- PF 4273 SWP SITE PLAN 10-13-21 RED
- Doc DRAFT Motion Form for SW permit

Attendees: Paul Mirabito, Ross Engineering

Ms. Joseph indicated another iteration of the plan has been received and reviewed. The Town's Consulting Engineer agrees all issues have been resolved, except for the test pit. It is conditioned that a test pit is to be done within 15 days of the approval; rate and volume of runoff shows no increase.

Mr. Pritchard agreed with the condition for the test pit and if any modifications are needed those should be reviewed.

No public comment.

Ms. Burbine expressed her displeasure with this project.

No public comment.

Motion:

The Stormwater Permit Plan dated June 4, 2021 with revisions through 10/17/21 and Stormwater Report for the Scituate Stormwater Permit dated 6/4/21 with revisions through 10/8/21 are approved with the conditions noted below:

1. Construction shall comply with the Stormwater Permit Plan dated 6/4/21 with revisions through 10/17/21 and Stormwater Report for the Scituate Stormwater Permit dated 6/4/21 with revisions through 10/8/21 by Gregory J. Tansey, P.E. of Ross Engineering Co., Inc. and Long-Term Operation and Maintenance Plan for 16 Mann Hill Road latest revision 9/15/21 except as they may be modified to conform to the conditions below. Any or all owners of the property or site contractors for grading, site work, and installation of utilities, foundations, and/or driveways shall be advised of this approval and these conditions. A copy of the approved plan shall be kept on the site at all times during construction.
2. Any plan changes or changes from the proposed materials shall be submitted to the Planning Office to determine if the changes are insignificant or require a permit modification approved by the Town Planner or Planning Board. The stormwater management system including swales, bio-retention area, grading, dwelling and site amenity locations shall not be changed or expanded without the prior written approval of the issuing authority. Expansion includes additional pavement areas. Failure to obtain

written approval is a violation of the Town of Scituate General Bylaw and subject to fines.

3. Copies of this approval and the approved Stormwater Permit plan shall be provided to subsequent owners who shall be advised of the need for periodic maintenance of the stormwater system and the need to retain the grading of the lot as approved. Prior to the transfer of the property, the owner shall provide to the subsequent owner and the Planning Office an inspection report certified by a Professional Engineer showing compliance with the Operation and Maintenance Plan. **The Planning Office must receive written notification at least one week prior to any change in the ownership of the property occurring during construction.**
4. Where this Stormwater Permit requires approval, permitting or licensing from any local, state or federal agency, such permitting or licensing is deemed a condition of this Stormwater Permit. All necessary permits and approvals must be received prior to commencement of construction.
5. The Applicant shall consent to allow members and Town officials from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such inspections as may be deemed necessary. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the Stormwater Permit are satisfactory and conform to Town specifications and requirements of the Board.
6. The NPDES Permit shall be provided to the Planning Office 48 hours prior to any site work. Stormwater Pollution Prevention Plan (SWPPP) inspection reports shall be provided to the Planning Office after **every half inch rain event and weekly**. Failure to comply with the NPDES Permit is a violation of this Stormwater Permit. The NPDES Permit shall list all the landowners.
7. This Stormwater Permit must be recorded at the Registry of Deeds with proof furnished to the Planning Office prior to construction. Failure to record the Stormwater Permit is a violation of the permit and subject to fines included in the Town of Scituate General Bylaws.
8. The Temporary Easement shall be recorded prior to construction with proof of recording furnished to the Planning Office prior to construction. The final as-built grade on the temporary easement is the basis for future development.
9. Additional soil testing shall be performed at the location of the proposed bio-retention area within 15 days of the Stormwater Permit approval. The test must be witnessed by the Planning Board's consulting engineer with costs to be borne by the applicant. Failure to comply shall deem the permit invalid. A new plan is required to be submitted prior to construction showing the location of the soil testing in the bio-retention area with the soil profile. If any change in the design is needed due to the conditions of the test pit not being the same as assumed, it shall be submitted to the Board prior to construction for review and

approval.

10. The swales, trench drain, pipe and bioretention area shall be installed to have the bottom elevation a minimum of two feet above seasonal high groundwater elevations. Stormwater during construction as well as after construction is not allowed to increase in rate or volume to adjacent properties.
11. No clearing beyond the limit of work/limit of clearing/erosion control line as shown on the plan is allowed. The limit of clearing shall be staked in the field prior to construction commencing and shall be maintained throughout the construction phase.
12. Construction work shall not begin prior to 7:00 AM on weekdays and 8:00 AM on Saturdays and shall cease no later than 7:00 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal state and/or federal holidays. Construction work includes any operation of machinery and idling of vehicles. No truck idling on the site or on adjacent streets is allowed.
13. Bio-retention areas or swales must be retained and maintained as designed as they are components of the stormwater management system. Maintenance must be per the approved Operation and Maintenance Plan.
14. **A Stabilized construction entrance per the plan detail shall be installed prior to any work on the site and shall be maintained throughout construction.**
15. Prior to any land disturbance, erosion control shall be installed and inspected by the Town Planner or approved agent. At this time the site shall also be staked to show the house and drainage improvements. All stockpiles shall be surrounded by an erosion control barrier. Additional erosion control, such as silt fence, silt sock and/or haybales placed **prior** to a precipitation event, may be needed to prevent sediment from reaching the road or adjacent properties during construction. **All erosion control shall be installed per the plan and shall be maintained in good working condition throughout construction.** The Applicant is responsible for maintaining and managing stormwater on-site throughout the construction period and during the transition to fully functional operations and maintenance. Construction approval in no way relieves the Applicant from its obligation to ensure stormwater does not impact the abutting properties and the Applicant shall take all necessary steps to prevent such occurrences.
16. **The Town Planner shall be notified when installation of the construction entrance and erosion control are complete. If any permit inspection is being requested this notification shall occur 48 hours in advance of an inspection.**
17. **The sequence of construction shall be according to the plan. The proposed sediment trap must be in place prior to excavation of the foundation.**
18. No on-street parking or loading or unloading of construction equipment or vehicles shall be

permitted during construction unless a police detail is provided if warranted as determined by the Police Department. Noise mitigation and proper dust controls shall be used.

19. A Landscape screening plan for the south corner of the property must be provided to the Planning Office for approval prior to installation. The screen shall consist of evergreen and deciduous plants and be designed to not interfere with the drainage swale. The minimum planting shown on the Stormwater permit Site Plan must occur.
20. All disturbed areas associated with this Stormwater permit shall be loamed and seeded with 6" of loam.
21. A pre-construction conference will be required on site to verify the contractor is aware of the Stormwater Permit conditions and required inspections. Recording of the permit must occur prior to the pre-construction conference with proof of recording furnished to the Planning Office.
22. Construction inspections will be provided as follows:
 - a. All inspections for the Town shall be performed by the **Town Planner or a designated representative of the Planning Department or Planning Board and by the record design engineer.** All inspections shall be documented with written reports that describe compliance with the approved plan(s) and supporting application documents and construction specifications. Any variations shall be noted.
 - b. The Town Planner and record design engineering firm must be notified 48 hours prior to:
 - i. Installation of construction entrance and erosion control, and staking of corners of the dwelling, limit of work, driveway and the drainage improvements;
 - ii. Excavation of the proposed sediment trap;
 - iii. Excavation of bio-retention area;
 - iv. Installation of bio-retention area,
 - v. Rough grading of site including swales and driveway to verify grades are as designed including slope of the driveway;
 - vi. Finish grading of all swales and bio-retention area including the outlet elevation of the bio-retention area with the elevations submitted to the Town Planner and design engineer for verification;
 - vii. Inspection of site amenities including driveway, walk and pool and permeable paver patio, landscape screen and loamed & seeded areas;
 - viii. Inspection of final completion of site work including cleanup to determine compliance with the conditions prior to issuing a Certificate of Completion (COC).

Work shall be subject to removal if necessary inspections are not requested. If the property is sold prior to completion of the work, the Planning Board reserves the right to inform the buyer that the Stormwater Management System is incomplete. Spot grades shall be performed during rough grading and finish grading to insure any swales will drain and no standing water will be present.

23. The applicant will provide a construction and plan completion guarantee of \$5,000 prior to issuance of a building permit to guarantee that the Town will be notified when site inspections are required, the as-built plan will be provided and construction will be completed in accordance with the approved plan. A Certificate of Completion must be issued prior to return of the construction and plan completion guarantee.
24. The Property Owner shall be responsible for the proper maintenance and operation of the stormwater control system. A best management practices inspection schedule and maintenance checklist and plan is attached and shall serve as a guide for the proper maintenance of the system.
25. Construction of the proposed stormwater management system, site utilities, site amenities and grading shall be supervised by a registered professional engineer who shall certify to the Planning Board that the site was constructed according to the approved plans. The certification shall be accompanied by an As-Built Plan stamped by a registered surveyor and the registered professional engineer who designed the system and shall be submitted to the Planning Office within ten days of completion of the work. This plan shall include the construction conditions of the stormwater management system including top and bottom elevations and inverts, spot grades as necessary, grading, house, site amenities and driveways. Prior to application for a Certificate of Occupancy, an interim As-Built must be submitted to the Planning Office and Building Commissioner for verification that the stormwater management system and grading is following the design. The final As-Built Plan must be submitted prior to obtaining a Certificate of Completion for the Stormwater Permit and all work must be found in compliance with the approved permit. All grading and landscaping must be complete prior to the final as-built submittal.
26. Underground irrigation systems are prohibited from connecting to the town's water distribution system or in any manner using municipal water. All irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system.

Ms. Lewis seconded the motion as amended; the vote was unanimously in favor. NOTE: all amendments have been included in the above decision.

Ms. Burbine moved to close the public hearing.

Mr. Pritchard seconded the motion; the vote was unanimously in favor

Liaison Reports:

Town Meeting Recap:

- 750 people attended
- Voted to buy Border Street Property

- Endorsed Master Plan
- Ball Field is still an issue – Decision of Senior Center says the area is for overflow parking
 - Parking study is ongoing at Senior Center – 6-month time period
 - Senior Center has not been signed off on

Planning and Development – reported by Ms. Joseph:

- Drew Tuesday night to review mock up – Site Visit, no deliberation
- Rotary Safety audit for Drew scheduled for December 2nd
 - VHB, Police, Fire, MassDOT, MAPC all to attend
- Next week Planning Board meeting November 4th due to holidays
- No issues that the Planning Office was made aware of regarding water with storm
 - No issues at Toll Brothers, grass helping and they were pumping
 - Sump to remain in place through Hurricane season
 - Some trees fell into the Wetland

Documents

- Email to the Board from Shari Young dated 10.22.21 with meeting Agenda 10.28.21 and 10.26.21 and DRAFT Minutes 10.14.21
- Email to the Board from Karen Joseph date 10.22.21 with meeting materials for 7 New Driftway, 16 Mann Hill Road, 293 First Parish Road, Holly Crest Road and 533 Country Way.
- Email to the Board from Karen Joseph dated 10.25.21 with materials for 7 New Driftway.

These items were distributed to the Board electronically.

Mr. Pritchard moved to adjourn the meeting at 8:13 p.m. Ms. Lewis seconded the motion; the vote was unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Rebecca Lewis, Clerk

Date Approved: December 9, 2021